

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re Flint Water Cases.

Judith E. Levy
United States District Judge

_____/

This Order Relates To:

ALL CASES

_____/

**ORDER REGARDING MATTERS DISCUSSED AT THE
JUNE 19, 2019 STATUS CONFERENCE**

The Court held a status conference regarding its pending Flint water litigation on June 19, 2019. The Court now orders as follows:

I. Individual City Defendants' Motion to Stay Proceedings

For the reasons set forth on the record, the individual city defendants' motion to stay proceedings (Case No. 16-10444, ECF No. 847) is **DENIED**. The Court will not issue a written decision.

II. Motion to Strike the Proposed Classes

On June 12, 2019, defendant Veolia withdrew its motion to strike the proposed classes in *Carthan v. Snyder*. (Case No. 16-10444, ECF No. 886.) Veolia has until **August 2, 2019**, to refile its motion. If Veolia does

refile, class plaintiffs have until **September 2, 2019**, to respond. Veolia may file a reply in accordance with Local Rule 7.1(e). All briefs must conform with Local Rule 7.1(d).

III. *Guertin v. Michigan*

The mandate has issued in *Guertin v. Michigan*, Case No. 16-cv-12412, and the stay put in place while defendants appealed the issue of qualified immunity is lifted. Those defendants who remain in the case and who have not filed an answer must do so by **August 2, 2019**. Additionally, several defendants have indicated that they will petition the United States Supreme Court for further review of *Guertin*. As a result, *Guertin* is excepted from the Court's order directing current individual non-class actions to utilize the master short-form complaint. (Case No. 16-cv-10444, EFC No. 347.) For similar reasons, while the cases is pending before the Supreme Court, the Court will not entertain a motion on behalf of the *Guertin* plaintiffs to amend their complaint. *Guertin* is subject to the Case Management Order for the purposes of discovery. (ECF No. 827.)

IV. *Changes to Class Representatives in Carthan*

On June 11, 2019, *Carthan* plaintiffs EPCO Sales, LLC and Marilyn Bryson filed notices that they wish to terminate their status as

class representatives. (Case No. 16-cv-10444, ECF No. 881–82.) Counsel for these plaintiffs is **ORDERED** to submit a stipulated order formalizing this request by **June 26, 2019**. Counsel for these plaintiffs shall copy individual liaison counsel, co-lead class counsel, and defendants.

V. Non-Party Documents Only Subpoenas

Oral argument was heard on a proposed revision to the non-party documents only subpoena process. The Court has issued an updated process. (Case No. 16-cv-10444, ECF No. 888.)

VI. Discovery Disputes

For the time being, discovery disputes will be resolved in accordance with the Court's current practice guidelines, available on the United States District Court for the Eastern District of Michigan's website. The Court will revisit this process as discovery progresses.

VII. Scheduling of Next Status Conference

The next status conference will be held on **August 7, 2019 at 2:00pm** in Ann Arbor, Michigan.¹ Parties are to file proposed agenda

¹ The agenda for the June 19, 2019 status conference stated that the next conference would be held on July 31, 2019. (Case No. 16-cv-10444, ECF No. 879.) Due to several conflicts, this has been changed.

items in Case No. 16-cv-10444 by **July 24, 2019**. Individual liaison counsel should collect proposed agenda items from all counsel representing individual plaintiffs and submit those proposed items as a single filing. The Court will issue an agenda by **July 31, 2019**.

IT IS SO ORDERED.

Dated: June 21, 2019
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge